

FILED
U.S. District Court
District of Massachusetts
Date 7-12-05
By Kim H. Reed
Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10530-JLT

MOUNTAIN PEAKS FINANCIAL
SERVICES, INC.,

Plaintiff
Judgment Creditor,

v.

PHILIP B. McADAM,

Defendant
Judgment Debtor.

MOUNTAIN PEAKS FINANCIAL SERVICES, INC.'S MOTION FOR DEFAULT AGAINST
DEFENDANT PHILIP B. McADAM UNDER FED. R. CIV. P. 55(a)(1)

Mountain Peaks Financial Services, Inc. ("Mountain") files the within Motion for Default against defendant Philip B. McAdam ("McAdam") under Fed. R.Civ. P. 55(a)(1). Mountain states as follows in support of its Motion for Default.

Mountain filed its complaint on March 18, 2005. McAdam was served with process and associated pleadings on March 30, 2005. On or about April 20, 2005 McAdam filed a motion to dismiss. On May 4, 2005 Mountain filed an opposition to McAdam's motion to dismiss. On May 24, 2005 the Court denied McAdam's motion to dismiss. More than ten has elapsed from the date of the denial of the motion to dismiss and Mountain has not received an answer from

McAdam and a review of the docket indicates no answer has been docketed on behalf of McAdam.

Wherefore, Mountain requests that this Court:

I. Enter a default under Fed. R. Civ. P. 55(a) against defendant Philip B.

McAdam;

II. For further relief.

Mountain Peaks Financial Services, Inc.,
Plaintiff Judgment Creditor,
By its attorney,

Richard W. Gannett, Esquire
BBO #184430
Gannett & Associates
165 Friend Street, Suite 200
Boston, MA 02114-2025
(617) 367-0606

Dated: July 12, 2005

CERTIFICATE OF SERVICE

I, Richard W. Gannett, hereby certify that I have served the within motion for default of plaintiff Mountain Peaks Financial Services, Inc. under Fed. R. Civ. P. 55(a) against Philip B. McAdam upon the following person by U. S. Mail, postage prepaid, on July 12, 2005:

George J. Basbanes, Esquire
Basbanes & Chenelle
648 Central Street
Lowell, MA 01852

Richard W. Gannett